

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SHIRLEY A. CALHOUN,

Plaintiff,

vs.

COMMISSIONER,
Social Security Administration,

Defendant.

Case No. 1:20-cv-01212-MK

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
ATTORNEY FEES PURSUANT TO 42
U.S.C. § 406(b)

Plaintiff Shirley A. Calhoun brought this action seeking review of the Commissioner's final decision denying her application for disability benefits under the Social Security Act. The Court reversed the Commissioner's decision and remanded the case for the immediate calculation and payment of benefits. The Commissioner subsequently found Plaintiff entitled to disability benefits beginning June 2017.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S.

789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$19,809.75 in attorney's fees under 42 U.S.C. § 406(b).

Previously, Plaintiff's counsel received fees in the amount of \$6,401.77 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount awarded under the EAJA of \$6,401.77, and to send the balance of \$13,407.98, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorneys at WELLS, MANNING, EITENMILLER & TAYLOR, P.C.,¹ 474 Willamette Street, Eugene, Oregon 97401. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 30th day of June 2022.

s/ Mustafa T. Kasubhai
MUSTAFA T. KASUBHAI (He / Him)
United States Magistrate Judge

Proposed Order submitted by:
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